

**TOWN OF HANNIBAL
SPECIAL BOARD MEETING
OCTOBER 12, 2016
3:30 PM**

Present: Supervisor Ronald Greenleaf
Councilman Randy Hendricks
Councilman Richard Shoultz
Councilman Gary Thompson
Councilwoman Virginia Wilbur
Town Clerk Denise Hafner

Others Present: Code Enforcement Officer Wayne Newton; Larry & Cindy Flint; Tim Harmon; Bob Dilts; Dawn Combes; Tracy Pedder; Zack Catalone; Collette Blake; Harold & Bonnie Hopkins; Barbara Bogacz; and Reporter for The Valley News.

Supervisor Ronald Greenleaf called the meeting to order at 3:32pm with the Pledge of Allegiance to the Flag. Supervisor Ron Greenleaf gave a brief statement that he believed the issues between the Town and Infinity Enterprises should be taken to County Court. He then asked the Public to share any thoughts or comments they have on the matter.

Public Session:

- Zack Catalone stated that the trucks operating for Infinity Enterprises are creating a dangerous situation as they drive down Kelly Road. He has had to swerve to avoid being hit and the school bus has had to come to a stop to avoid the trucks. He is concerned that someone is going to be hurt as a result of the way the trucks drive up and down the road.
- Collette Blake asked Supervisor Ron Greenleaf how he discovered that the case against Infinity Enterprises was NOT scheduled to be heard in County Court. Supervisor Ron Greenleaf stated that just before leaving for vacation he spoke to Attorney Dennis Hawthorne, Jr. about a different matter and was then informed that there was no scheduled court date. He was also told that the Attorney thought there was an active application with the Planning Board, which was false. Supervisor Greenleaf stated that Mr. Lindsley had recently applied for a Pole Barn Permit which Code Enforcement Wayne Newton denied due to the Town being in litigation with Infinity Enterprises. He also explained that if the case were heard in the Local Court, it would be considered a civil case and only fines could be applied. However, if the case is heard in County Court, the business could be shut down.
- Dawn Combes, Planning Board Member, pointed out that Code Enforcement Officer Wayne Newton was supposed to deal with the issues last April and that the Planning Board is not responsible to address violations. She also stressed that it has taken too long to deal with this matter and it is time that something is done for the residents on Kelly Road. She also questioned why there hadn't been any follow-up from Town officials to determine what was being done to rectify the situation and to determine when the case was scheduled to be heard in County Court.
- Councilman Gary Thompson responded that he called for the present Special Meeting so the Board could address this issue and find a solution. He felt it was important to try to find some answers. He shared that he had witnessed the trucks driving back and forth constantly on Kelly Road and that it was obvious that Mr. Lindsley is operating a business there. He is concerned that a precedent is being set that businesses can operate in the Town without proper permits.

- Tim Harmon asked if a Stop Work Order had been issued. Code Enforcement Officer Wayne Newton and Supervisor Ron Greenleaf confirmed that a Stop Work Order had been issued. He also stated that it was important for the Board to address what has occurred in the past so they can learn from it and prevent recurrence.
- Councilman Rick Shoultz asked what the fine structure was for failing to cease work when a Stop Work Order has been issued. Code Enforcement Officer Wayne Newton was unsure of the fine amount but stated that it is compounded daily.
- Planning Board Chairman Bob Dilts explained that the Planning Board was ordered by the Town Attorney to accept a second application for a Special Permit from Mr. Lindsley. This application was identical to the first application submitted. A letter was sent to Mr. Lindsley's attorney (Sal Lanza) with a copy to both the Town Attorney and Supervisor Greenleaf. No response was received from Mr. Lindsley, Attorney Lanza, or Attorney Hawthorne. The application was considered incomplete.
- It was further discussed that the trucks associated with Infinity Enterprise have impacted the conditions of the roads and have created unsafe travel on those roads. Larry Flint confirmed the same type of incidents Zack Catalone had shared. Supervisor Greenleaf responded that the Town has no control on the way the trucks drive down the roads, but that the police should be called when someone witnesses incidents like the ones mentioned. It was pointed out by both Larry Flint and Collette Blake that if the Town had stopped the business from operating then those trucks would not be on the roads.
- Several residents shared that they had contacted the DEC and the police but nothing has been done. It was questioned whether Code Enforcement Officer Wayne Newton would be issuing any tickets. Supervisor Greenleaf stated that just before he left for vacation he had been informed that there was no case in County Court and that he had left instructions with Councilwoman Virginia Wilbur to contact the Board Members and for Code Enforcement Officer Wayne Newton to issue Infinity Enterprises a ticket.
- It was asked why a ticket had not yet been issued since this matter has been occurring for more than a year. Code Enforcement Officer Wayne Newton explained that it would have been futile to issue tickets to be heard in the Local Court when there was supposed to be a court date scheduled in County Court. County Court would have the authority to actually shut the business down, whereas the Local Court would only assess fines. Councilman Gary Thompson asked whether a ticket needed to be issued in order to initiate action in County Court. Supervisor Greenleaf stated that it was not needed.
- Zack Catalone stated that the view of the residents is that the people mean nothing to the Town since more than eighteen months have passed and still the Town has not done anything to rectify the situation. There are ramifications of no action by the Town, such as decreasing property values due to the startup of an illegal commercial business.
- Supervisor Ron Greenleaf stated that he had been notified in May that Attorney Hawthorne and Attorney Lanza had negotiated an agreement that Infinity Enterprises would park their trucks at the Nestle site overnight rather than at Mr. Lindsley's residence on Kelly Road. Collette Blake questioned when it was decided, and by whom, not to pursue the court date. She shared that she called the Town Attorney to get answers, which should not have been her responsibility as a citizen. She was frustrated that there had not been a follow-up from someone on the Board to find out from the Attorney what was being done. She asked Supervisor Ron Greenleaf if he had been notified by the Attorney that they were no longer pursuing a court proceeding; Supervisor Ron Greenleaf stated that he had not been notified. She also pointed out that a person cannot apply for a permit if they have a violation, so how was Mr. Lindsley allowed to apply for a permit a second time?
- Bob Dilts, Planning Board Chairman, stated that he had spoken to Attorney Hawthorne in July and was told to proceed with the second application, which as explained above, was an incomplete application. Attorney Hawthorne stated at that time that he was still waiting for a court date.

- After locating a copy of the Stop Work Order sent to Mr. Lindsley by certified mail in April, Code Enforcement Officer Wayne Newton read it to the Board. It clearly stated that the business was to cease and desist and the trucks removed from the property.
- Councilman Randy Hendricks asked Planning Board Chairman Bob Dilts what was lacking in the first application Mr. Lindsley had submitted. Mr. Dilts explained that the application submitted did not address the commercial business that was known to be operating. Mr. Lindsley applied to build a Pole Barn and to install a Driveway. Councilman Hendricks then asked what was lacking in the second application. Mr. Dilts replied that the application was identical to the first application; again, not addressing the business and that Mr. Lindsley was applying for a Special Use Permit when he needed a Site Plan Review. This was explained to Attorney Lanza by Planning Board Chairman Bob Dilts.
- Dawn Combes, Planning Board Member, reminded the Board that neither Attorney Hawthorne nor Attorney Lanza are present and that it may not be fair to place the blame on them when there could be some other cause for the confusion and lack of action. Supervisor Ron Greenleaf stated that Attorney Hawthorne would be present at the next Board Meeting.
- Tracy Pedder stated she is very frustrated at how this matter has been handled and it seems that the residents have been lied to for months and months.
- Zack Catalone shared that just recently one of the trucks upon returning from the Nestle site full of water, opened the valve and let all the water flow out at the end of his driveway. Unfortunately, he does not have this on tape, but this is the type of behavior the residents are dealing with. He stated that with this happening now for at least eighteen months with no real action taken to stop the business or enforce compliance, and with the lies that residents have been told, maybe those who do not want to do their job should resign. Supervisor Ron Greenleaf stated that he did not lie, and that he, too, was uninformed of what was happening legally.
- Dawn Combes, Planning Board Member, asked the Board to try to imagine how they would feel if this type of thing were occurring next door to where they live. She stated that the Board Members need to listen to the residents when they bring a concern to them and treat it as if it were happening to them and then ask themselves how they would want the matter handled.

Supervisor Ron Greenleaf asked that a motion be made to adjourn the Special Board Meeting to hold an Executive Session.

- Councilman Randy Hendricks made the motion to adjourn the Special Board Meeting to hold an Executive Session to discuss the legal options the Town may have to handle the issues with Infinity Enterprises on Kelly Road; Councilman Rick Shoultz seconded.

Ayes: 5 [Wilbur, Hendricks, Shoultz, Thompson, Greenleaf]

Nays: 0

The Special Board Meeting was adjourned at 4:10pm to enter into Executive Session.

At 4:25pm the Special Board Meeting was reconvened.

Supervisor Ron Greenleaf stated that a motion had been made to direct Code Enforcement Officer Wayne Newton to ask the Attorney to begin proceedings to take Infinity Enterprises to County Court for noncompliance.

Resolution 21-2016

Be it resolved, that Code Enforcement Officer Wayne Newton be directed to request Attorney Dennis Hawthorne Jr. to take Infinity Enterprises, Kelly Road, to Oswego County Court for operating an illegal business in the Town of Hannibal and circumventing Town Laws.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

- Mark Harmon asked the Board to determine how the situation escalated to the point that it is at today. Supervisor Ron Greenleaf stated that he would take the blame for dropping the ball and that it may be necessary to look into hiring a different attorney to represent the Town. He also restated that Attorney Hawthorne will be present for the Executive Session at the next regular Board Meeting.
- Councilman Gary Thompson assured the residents that he planned to stay on top of the situation and would keep the other Board Members informed.

Councilwoman Virginia Wilbur made a motion to adjourn the Special Board Meeting; Councilman Gary Thompson seconded.

Ayes: 5 [Wilbur, Hendricks, Shoults, Thompson, Greenleaf]

Nays: 0

The Special Board Meeting was adjourned at 4:35pm

Respectfully submitted,

Denise J. Hafner

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Hannibal Town Clerk